

FRED UPTON, MICHIGAN

CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA

RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

December 21, 2011

1703

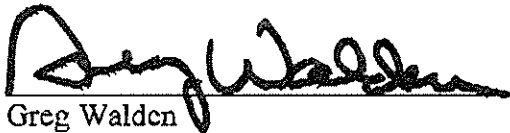
The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
Room: 8-B201  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Genachowski:

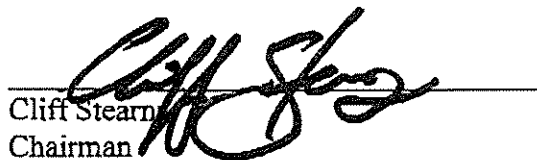
Thank you for responding this past summer to our June 3, 2011 letter regarding the Commission's workload. As we suggested in that letter, we are interested in the work the Commission has done since July, especially with regard to the Commission's backlog of petitions, complaints, and license applications.

We have attached to this letter a series of questions in that vein. We respectfully request that you provide a written response no later than close of business Monday, January 9, 2012. If you have any questions, please don't hesitate to contact Mr. Neil Fried or Ms. Stacy Cline at (202) 225-2927.

Sincerely,



Greg Walden  
Chairman  
Subcommittee on Communications  
and Technology



Cliff Stearns  
Chairman  
Subcommittee on Oversight  
and Investigations

cc: The Honorable Henry A. Waxman, Ranking Member

Letter to the Honorable Julius Genachowski

Page 2

The Honorable Anna G. Eshoo, Ranking Member,  
Subcommittee on Communications and Technology

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations

Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn

Attachment

## ATTACHMENT

There is growing consensus that Federal Communications Commission (FCC) processes need to be reformed. Under both Democratic and Republican chairmen, the FCC has fallen into practices that weaken decision-making and jeopardize public confidence. The data reported to the Committee on Energy and Commerce (Committee) in July 2011 demonstrated that there have been substantial improvements in the handling of the Commission's workload since Chairman Genachowski joined the Commission. Nevertheless, the Commission still faces significant challenges in its work, including a significant backlog of unanswered petitions and unheard consumer complaints. For example, the Commission had 5,328 petitions, more than a million consumer complaints, and 4,185 license applications that had been sitting for more than two years as of July 2011. This letter seeks updated data regarding the FCC's current workflow.

1. To help the Committee better understand the FCC's current workload and backlog, please provide the total number of items currently pending. Please include all petitions, applications, complaints, and requests pending before the FCC, including petitions for waiver, petitions for stay, petitions for declaratory ruling, applications for license renewal, applications for transfer of lines, applications for review, requests for review, etc. Please categorize these items by the Bureau primarily responsible for action and the amount of time that has elapsed since each item was filed with the FCC using the following table.

	< 6 mos.	6 mos. – 2 yrs.	2 yrs. – 5 yrs.	> 5 yrs.
Consumer & Gov't (CGB)				
International (IB)				
Media (MB)				
Public Safety (PSHSB)				
Wireless (WTB)				
Wireline (WCB)				
Other (OET, OSP, etc.)				

2. License applications, and especially renewals, are often a routine process. How many license applications and renewals are currently pending at the Commission? Please categorize these items by the Bureau primarily responsible for action and the amount of time that has elapsed since each item was filed with the FCC using the following table.

	< 6 mos.	6 mos. – 2 yrs.	2 yrs. – 5 yrs.	> 5 yrs.
Consumer & Gov't (CGB)				
International (IB)				
Media (MB)				
Public Safety (PSHSB)				
Wireless (WTB)				
Wireline (WCB)				
Other (OET, OSP, etc.)				

3. We understand that the Commission receives thousands of complaints from consumers each year. We are interested in how the Commission processes these complaints, and the subject matter of these complaints. Please provide the number of complaints currently pending before the FCC. Please categorize these items by the Bureau primarily responsible for action, the amount of time that has elapsed since each item was filed with the FCC, and the subject matter of the complaint using the following tables.

	< 6 mos.	6 mos. – 2 yrs.	2 yrs. – 5 yrs.	> 5 yrs.
Consumer & Gov't (CGB)				
International (IB)				
Media (MB)				
Public Safety (PSHSB)				
Wireless (WTB)				
Wireline (WCB)				
Other (OET, OSP, etc.)				

	< 6 mos.	6 mos. – 2 yrs.	2 yrs. – 5 yrs.	> 5 yrs.
Indecency				
Indecency—Safe Harbor				
Indecency—Cable				
Junk Fax				
Slamming				
TCPA				

4. By definition, a petition for reconsideration or an application for review asks the FCC to reconsider a decision it has already made. As such, the FCC should be able to review and act on such petitions and applications relatively quickly. Moreover, parties often cannot obtain judicial review of an FCC decision while a petition for reconsideration or application for review is pending. How many petitions for reconsideration and applications for review are currently pending at the Commission? Please categorize these items by the Bureau primarily responsible for action and the amount of time that has elapsed since each item was filed with the FCC using the following table.

	< 6 mos.	6 mos. – 2 yrs.	2 yrs. – 5 yrs.	> 5 yrs.
Consumer & Gov't (CGB)				
International (IB)				
Media (MB)				
Public Safety (PSHSB)				
Wireless (WTB)				
Wireline (WCB)				
Other (OET, OSP, etc.)				

5. How many dockets are currently open at the Commission? How many of these dockets have pending items in them that the Commission has not yet addressed? How many dockets have been inactive for more than six months? Two years? Five years?



***Committee on Energy and Commerce  
Republican Office***

**U.S. House of Representatives**

**2125 Rayburn House Office Building**

**Washington, D.C. 20515**

**Phone: (202) 225-2927**

**Fax: (202) 225-1919**

**To:** Mr. Greg Guice, Director of Legislative Affairs, Federal Communications Commission for  
Chairman Julius Genachowski, Federal Communications Commission

**From:** Rep. Fred Upton, Chairman, Committee on Energy and Commerce

**Fax:** (202) 418-2806

**Date:** December 21, 2011

**Phone:**

**Pages:** 6 (Including cover)

**Notes:**



## FEDERAL COMMUNICATIONS COMMISSION

January 10, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Greg Walden  
Chairman  
Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Walden:

Thank you for the opportunity to update the Committee on the workload of the Commission.

When I arrived at the Commission, I asked the staff to focus on reducing the backlogged applications and petitions, and work to close out stale dockets. I am pleased to report that the Commission has made progress in reducing the backlog in a number of areas.

Because of the hard work of the Commission staff, the number of license and license renewal applications pending at the Commission has reduced by 12 percent. Notably, the Public Safety and Homeland Security Bureau has reduced its pending applications by 38 percent, the International Bureau has reduced its pending applications by 52 percent, and the Media Bureau has reduced the number of applications pending more than 5 years by 43 percent.

Additionally, the Commission has reduced the number of pending petitions for reconsideration and applications for review by 24 percent. The Media Bureau alone has reduced the number of petitions for reconsideration and applications for review pending more than two years by 43 percent.

Further, there are items, such as indecency complaints, which are currently out of the Commission's control. Ninety-nine percent of all consumer complaints pending more than two years cannot be resolved by Commission while courts consider the indecency issues.

Finally, through a diligent effort involving all of the Bureaus and Offices a significant number of stale dockets were closed. The number of open dockets has been reduced by 43 percent and the number of dockets with no filings in over 5 years has been reduced by 89 percent.

Page 2-The Honorable Greg Walden

As our efforts show, the Commission has continued to make great improvement in addressing its backlog. We must continue to improve and I remain committed to continuing our efforts to reduce the Commission's backlog.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'J' followed by a horizontal line and a small dot.

Julius Genachowski





## FEDERAL COMMUNICATIONS COMMISSION

January 10, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Cliff Stearns  
Chairman  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Stearns:

Thank you for the opportunity to update the Committee on the workload of the Commission.

When I arrived at the Commission, I asked the staff to focus on reducing the backlogged applications and petitions, and work to close out stale dockets. I am pleased to report that the Commission has made progress in reducing the backlog in a number of areas.

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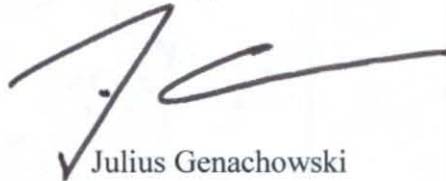
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Page 2-The Honorable Cliff Stearns

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Sincerely,

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✓ Julius Genachowski